

21 C.J.S. Courts § 15

Corpus Juris Secundum | May 2023 Update

Courts

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II. Jurisdiction of Courts

B. Source, Derivation, and Assumption of Courts' Jurisdiction

§ 15. General source or derivation of courts' jurisdiction; limits on assumption

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

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Jurisdiction must be found in, and derived from, the law by constitutional or statutory provisions and cannot be otherwise conferred, assumed, or denied.

The jurisdiction of the courts is derived from the law,¹ particularly the law that creates² and organizes the courts,³ and is vested in the courts by the constitution or statutes,⁴ or a combination of the two.⁵ Jurisdiction can only be conferred by the constitution or statutes⁶ and cannot be conferred by the parties⁷ or assumed,⁸ conferred,⁹ or denied by the courts except as provided by the law.¹⁰ The courts' inherent powers as courts¹¹ are not a source of jurisdiction,¹² nor are statutory grants of particular judicial powers, as necessary to carry out the courts' jurisdiction, a source of that jurisdiction.¹³

The law of another state does not confer jurisdiction on a court beyond the local law of the court.¹⁴

Jurisdiction may be conferred by necessary implication from a constitutional or statutory provision,¹⁵ as from express terms delineating the class of cases and persons within the courts' jurisdictional authority.¹⁶

CUMULATIVE SUPPLEMENT

Cases:

Court's authority to act in a particular class of cases is conferred solely by constitutional or statutory provisions, and it cannot be conferred on a court or denied to a court by the acts of the parties or the procedures they employ. [Huber v. Hanson County Planning Commission](#), 2019 SD 64, 936 N.W.2d 565 (S.D. 2019).

Wyoming courts derive their jurisdiction from the Wyoming Constitution and from statutes enacted by the Wyoming legislature. Wyo. Const. art. 5, §§ 1, 10. [Matter of U.S. Currency Totaling \\$14,245.00](#), 2022 WY 15, 503 P.3d 51 (Wyo. 2022).

[END OF SUPPLEMENT]

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Footnotes

- 1 N.C.—[Gerhauser v. Van Bourgondien](#), 767 S.E.2d 378 (N.C. Ct. App. 2014).

Pa.—[Com. v. Williams](#), 129 A.3d 1199 (Pa. 2015).

S.C.—[Katzburg v. Katzburg](#), 410 S.C. 184, 764 S.E.2d 3 (Ct. App. 2014).
- 2 S.C.—[Katzburg v. Katzburg](#), 410 S.C. 184, 764 S.E.2d 3 (Ct. App. 2014).
- 3 N.C.—[In re M.C.](#), 781 S.E.2d 70 (N.C. Ct. App. 2015).
- 4 Ark.—[Z.L. v. State](#), 2015 Ark. 484, 478 S.W.3d 207 (2015).

Colo.—[Tulips Investments, LLC v. State ex rel. Suthers](#), 2015 CO 1, 340 P.3d 1126 (Colo. 2015).

Mont.—[Harrington v. Energy West Inc.](#), 2015 MT 233, 380 Mont. 298, 356 P.3d 441 (2015).

Pa.—[Com. v. Williams](#), 129 A.3d 1199 (Pa. 2015).

Tenn.—[Griffin v. Campbell Clinic, P.A.](#), 439 S.W.3d 899 (Tenn. 2014).

Tex.—[Henry v. Cox](#), 483 S.W.3d 119 (Tex. App. Houston 1st Dist. 2015), petition for review filed, (Feb. 5, 2016).

Utah—[Carter v. State](#), 2015 UT 38, 345 P.3d 737 (Utah 2015).

Statute title not jurisdiction-granting
U.S.—[Merritt v. Countrywide Financial Corp.](#), 759 F.3d 1023 (9th Cir. 2014), for additional opinion, see, 583 Fed. Appx. 662 (9th Cir. 2014).
- 5 Utah—[Carter v. State](#), 2015 UT 38, 345 P.3d 737 (Utah 2015).
- 6 Ind.—[Blue Chip Casino, LLC v. LaPorte County Treasurer](#), 27 N.E.3d 1198 (Ind. Tax Ct. 2015), review denied, 39 N.E.3d 380 (Ind. 2015).
- 7 N.C.—[In re M.C.](#), 781 S.E.2d 70 (N.C. Ct. App. 2015).

S.D.—[Estate of Ducheneaux v. Ducheneaux](#), 2015 SD 11, 861 N.W.2d 519 (S.D. 2015).

Tenn.—[In re Estate of Trigg](#), 368 S.W.3d 483 (Tenn. 2012).

As to jurisdiction by the parties' consent, agreement, waiver, or estoppel, generally, see §§ 71 to 74.

- 8 N.C.—*In re M.C.*, 781 S.E.2d 70 (N.C. Ct. App. 2015).
- Court cannot take jurisdiction not given**
Va.—*Swalef v. Anderson*, 50 Va. App. 100, 646 S.E.2d 458 (2007).
- 9 Cal.—*Riverside County Sheriff's Dept. v. Stiglitz*, 60 Cal. 4th 624, 181 Cal. Rptr. 3d 1, 339 P.3d 295 (2014).
- Court cannot grant jurisdiction not given**
Va.—*Swalef v. Anderson*, 50 Va. App. 100, 646 S.E.2d 458 (2007).
- 10 S.D.—*Estate of Ducheneaux v. Ducheneaux*, 2015 SD 11, 861 N.W.2d 519 (S.D. 2015).
- 11 § 5.
- 12 Cal.—*Imperial County Department of Social Services v. S.S.*, 242 Cal. App. 4th 1329, 195 Cal. Rptr. 3d 790 (4th Dist. 2015).
- Tex.—*In re Texas Dept. of Family and Protective Services*, 415 S.W.3d 522 (Tex. App. Houston 1st Dist. 2013).
- 13 Cal.—*Riverside County Sheriff's Dept. v. Stiglitz*, 60 Cal. 4th 624, 181 Cal. Rptr. 3d 1, 339 P.3d 295 (2014).
- 14 S.C.—*Katzburg v. Katzburg*, 410 S.C. 184, 764 S.E.2d 3 (Ct. App. 2014).
- 15 Ohio—*S. Christian Leadership Conference v. Combined Health Dist.*, 191 Ohio App. 3d 405, 2010-Ohio-6550, 946 N.E.2d 282 (2d Dist. Montgomery County 2010).
- Tenn.—*In re Estate of Trigg*, 368 S.W.3d 483 (Tenn. 2012).
- 16 Neb.—*State v. Planck*, 289 Neb. 510, 856 N.W.2d 112 (2014).